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Educating Yourself on Down Ballot Races

Visit www.texasjudges.org for Profiles & Comparisons of Judicial Candidates

Judicial races are “down ballot.” What this means is that they are typically at the end of a very long list of items needing voters’ attention. The Texas Civil Justice League is reminding Texans that ballot fatigue is bad for our state — we are urging voters to become educated and to vote all the way through their ballots. Join us and help your circle of influence understand that:

- **Judges are important.** They have a direct impact on citizens, perhaps more than any other elected official, because they make decisions that can affect jobs, homes, children and personal freedoms.
- **Voters must take the responsibility to educate themselves** about judicial races. And they

must vote! Turnout is important, for both the primaries and the general election.

- **Texans need to elect judges who are fair, impartial and well qualified.** It’s easy to run as a single-issue candidate, but judges with activist agendas are not good for Texas. Learn about the people on your ballot and vote for the ones who will do a great job for our state.

The Texas Civil Justice League (TCJL) is launching a statewide voter education effort to increase awareness about the importance of electing—and re-electing—qualified judges. We need your help.

As Texans, we get to elect our judges. That’s a big responsibility. Help us urge people to do their homework, to go to the polls, and to vote for good people who will make great judges. ■

When You Vote in November, Don’t Forget the Judges

With the 24/7 media coverage of the presidential election in high gear, it is easy to forget that there are a number of other races on the ballot that have a far more direct impact on Texans’ daily lives, most notably the judiciary. And while voter participation in presidential elections historically runs about 20-25% higher than in non-presidential years, a significant number of voters don’t stay in the voting booth long enough to cast votes for judicial candidates farther down the ballot. Moreover, though polling data continues to show that Texas is likely to remain reliably red, a tightening presidential race at the top could spell difficulty for down-ballot candidates, particularly in parts of the state that could see locally heavy turnout.

This November voters will choose three Texas Supreme Court justices, three Court of Criminal Appeals judges, three Courts of Appeals chief justices, and dozens of appellate justices and trial court judges. Some of these races are uncontested, but many are not. Supreme Court Justices Debra Lehrmann, Paul Green, and Eva Guzman all have challengers, two of whom have significant judicial experience. Justice Lehrmann faces former Corpus Christi District Judge Mike Westergren, while Justice Green draws longtime Corpus Christi Court of Appeals Justice Dori Garza. Justice Guzman’s opponent, Savannah Robinson, has no judicial experience.

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Voting Rights Act Lawsuit Seeks to Invalidate Texas Judicial Election System

The Lawyer's Committee for Civil Rights under Law filed a federal lawsuit on behalf of seven Latino and Latina voters challenging Texas' at-large elections for Texas Supreme Court and Court of Criminal Appeals justices. The suit, filed in the U.S. District Court of the Southern District of Texas in Corpus Christi, alleges that the current system violates Section 2 of the Voting Rights Act in that it denies Texas' Latino voters the right to elect judicial candidates of their choice. The plaintiffs are asking the court to issue a declaratory judgment that the current system violates Section 2, injunctive relief against further use of at-large elections, and an order requiring future elections to be held under a legally compliant plan.

Specifically, the lawsuit notes that although the percentage of Latino voters continues to grow rapidly, particularly in the southern and western parts of the state, only three Latino justices have served on the Texas Supreme Court since 2002, whereas only one has served on the Court of Criminal Appeals. No Latino judge has won a seat on the state's highest courts without first being appointed by the Governor, and of 15 Latino candidates who have run for seats on the courts since 2002 (10 for the Supreme Court, 5 for the Court of Criminal Appeals), only three have won (two of the three won in uncontested primaries). The complaint alleges that voting in court elections is "racially polarized, with Latino voters consistently voting for a particular (usually Latino) candidate of choice." Invoking the U.S. Supreme Court's decision in *Thornburg v. Gingles*, 478 U.S. 30 (1986), the plaintiffs argue that Texas' Latino population and voting age population "are sufficiently numerous and geographically compact to form a majority of the total population and citizen voting age population in at least two properly-apportioned single-member Supreme Court and Court of Criminal Appeals dis-

tricts" in either nine-district or eight-district plans. Given the chance, the complaint alleges, Latino voters would "vote overwhelmingly for different candidates than those supported by white voters."

The complaint goes on to discuss Texas' history of voting discrimination, violations of the Voting Rights Act, and the relative economic and educational differences between white and Latino populations in the state. Consequently, Texas Latinos have lower rates of voter registration and turnout than white voters and Latinos are "drastically underrepresented among elected officials in Texas." The complaint further alleges that decisions of the courts significantly affect the Latino community, sometimes adversely, and that the state's high courts lack the perspective of candidates backed by that community.

Those involved in judicial election battles over the past 30 years may remember seeing a version of this movie before. In 1988, 10 Latino and Latina voters and the League of United Latin American Citizens filed suit in federal district court alleging that Texas' method of selecting state trial judges in single-county or multi-county districts violated Section 2 of the Voting Rights Act. The suit sought to divide nine counties in Texas—Harris, Dallas, Tarrant, Travis, Bexar, Midland, Ector, Jefferson, and Lubbock—into single-member judicial districts. After the district court held for the plaintiffs, the U.S. Fifth Circuit Court of Appeals reversed, holding that the plaintiffs had failed to show that racial bloc voting accounted for a lack of success of minority candidates in county-wide judicial elections. The Fifth Circuit further found that Texas' substantial interest in linking a judicial candidate's electoral base with the jurisdiction of a judicial district outweighed the plaintiff's evidence of vote dilution. The court stated that single-member judicial electoral districts would actually diminish minority influence in judicial

elections, since they would assure that most judges would be elected by white voters and that litigation affecting minority voters would almost always be heard by judges elected by others. As Justice Patrick Higginbotham put it:

The distrust of judicial subdistricts does not rest on paternalism. It recognizes Texas' historic interest in having district judges remain accountable to all voters in their district. Regardless of the race or residency of particular litigants, judges make choices that affect all county residents. Texas has insisted that trial judges answer to all county voters at the ballot box. Unlike legislators or even appellate judges, who make decisions in groups, each district judge holds a single-member office and acts alone. When collegial bodies are involved, all citizens continue to elect at least one person involved in making a particular decision. While subdistricting for multimember offices can enhance minority influence because members from minority subdistricts participate in and influence all of the decisions of the larger body, subdistricting for single-member district court judgeships would leave minority voters with no electoral influence over the majority of judges in each county. Subdistricting would partially disenfranchise citizens to whom all district judges in a county are now accountable.

While the case was pending at the Fifth Circuit, then Attorney General Dan Morales attempted to settle with LULAC and intervenor Houston Lawyers' Association on the basis of subdividing the nine counties into single-member districts. The proposed consent decree would have used state representative districts in Dallas, Harris, Bexar, and Jefferson Counties, Justice of the Peace districts in Tarrant County, and

See **Voting Rights**, page 4

Voting Rights Act Lawsuit Seeks to Invalidate Texas Judicial Election System

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Commissioners Court precincts in Lubbock, Ector, and Midland Counties. During the 1991 legislative session, the Legislature declined to adopt the proposed settlement. In the Texas Senate, 11 GOP senators staged a walkout, defeating a quorum and blocking a vote on a resolution approving the settlement. Instead, a Senate Committee of the Whole adopted the resolution by a single vote, fatally weakening the legislative effort. The Attorney General then asked the Fifth Circuit to remand the case to the district court for settlement. The Fifth Circuit declined, spurning the Attorney General's attempt to circumvent the Legislature and holding that other state officials, including the Chief Justice of the Texas Supreme Court and two state district judges affected by the proposed settlement, had standing to continue the appeal. Ultimately, the state did not appeal the Fifth Circuit's decision to the U.S. Supreme Court.

Has anything changed since 1993 to make the plaintiff's lawsuit more likely to succeed than the LULAC case? Probably not, in our view, though the case bears close watching. Although the U.S. Supreme Court has held that Section 2 of the Voting Rights Act applies to judicial elections [*Chisom v. Roemer*, 501 U.S. 380 (1991)], one of the Fifth Circuit's primary findings—that Texas has a substantial interest in the linkage between a judge's electoral base and the judge's jurisdiction—seems even more important and relevant to statewide judicial officers than to single-county trial courts. Moreover, the Fifth Circuit's exhaustive analysis of the vote dilution claims in *LULAC* focused heavily on factors other than race for the relative success or failure of minority candidates, including party affiliation, number of qualified candidates for judicial offices, and access to campaign funding, to name a few, finding little connection between a minority candidate's historic

economic and educational disadvantages and his or her opportunity to participate in the electoral system. In order to successfully prosecute a vote dilution claim, the plaintiffs have a pretty steep hill to climb.

Additionally, the Fifth Circuit's conclusion in *LULAC* that party affiliation is not a proxy for racial voting would seem to hold true in today's environment as well. Numerous candidates who identify as Republicans, such as, for example, Wallace Jefferson, Dale Wainwright, David Medina, Eva Guzman, and Elsa Alcala, all won primary and/or statewide elections since 2002 (although Medina was subsequently and narrowly defeated for re-election in his party primary). The plaintiffs' complaint, however, claims that these candidates, though successful, are “not the Latino community's candidate of choice.” Beyond very gross statistics correlating a voter's ethnicity with party preference, how would one conclude that a particular judge, who makes decisions about the application of the law to a specific set of facts, is or is not a voting bloc's “candidate of choice”? We dare say that if one looked at every case in which one of the justices named above participated, one would be hard-pressed to determine whether that justice's vote reflected some kind of “solidarity” with a particular ethnic community or group of voters. The idea that a particular judge's ethnic identification might make him or her more or less likely to apply the law differently is simply antithetical to the concept of impartial justice.

It is interesting to note that the *Chisom* decision reversed a prior Fifth Circuit ruling in *LULAC* that Section 2 did not apply to judicial elections because judges were not “representatives.” Still, although the high court disagreed with excluding judicial elections from the VRA altogether, the majority nevertheless agreed with the Fifth

Circuit that “‘judges need not be elected at all, [citation omitted], and that, ideally, public opinion should be irrelevant to the judge's role, because the judge is often called upon to disregard, or even to defy, popular sentiment.’” The U.S. Supreme Court further explicitly opined that a state could remove its judiciary from the application of the VRA by adopting a different system of judicial selection. Ironically, the plaintiffs' complaint makes much of the fact that “minority” candidates who have successfully run for election to the state's high courts have first been appointed by the Governor. This fact suggests that gubernatorial appointment and Senate confirmation provide an excellent means of producing a strong and diverse judiciary. **Perhaps, then, the plaintiffs should consider asking the district court to change the current system to a non-partisan appoint-retain process rather than to single-member district elections.**

TCJL will closely watch the progress of this lawsuit and will be prepared to weigh in at the appropriate time and in the appropriate forum. And while we do not agree with the contentions in this lawsuit, the Lawyers Committee for Civil Rights Under Law, founded in 1963 at the behest of President John F. Kennedy to contribute *pro bono* legal services in the cause of civil rights, is a fine organization with a proud history of service. The lawsuit reminds us that Texans should take a fresh look at the way we select our judges. **TCJL has long supported a judicial election system that minimizes the twin influences of partisan politics and money in the system, and we are always open to new approaches to these old problems.** But what was true in 1993 is true today: nothing in a single-member district scheme for electing judges, however, would improve the system in either respect. ■

When You Vote in November, Don't Forget the Judges

continued from page 1

The same is true for the incumbent Court of Criminal Appeals judges. In Place 2, long-time Justice Larry Meyers faces a strong challenge from Houston Criminal District Judge Mary Lou Keel. You may recall that Justice Meyers, the first Republican elected to the Court of Criminal Appeals, switched parties and is now seeking re-election as a Democrat. In the open seat for Place 5, Fort Worth criminal defense attorney Scott Walker (R) faces San Antonio criminal defense attorney Betsy Johnson (D). The other incumbent, Judge Mike Keasler (R) will square off against Dallas Criminal Court Judge Robert Burns (D).

There are eight contested races for seats on the Courts of Appeals:

- Chief Justice Sherry Radack (R) of the 1st Court of Appeals in Houston faces Houston attorney Jim Peacock (D). 1st Court incumbent Justice Evelyn Keyes (R) likewise has a challenger, employment lawyer Barbara Gardner (D).
- In the 4th Court of Appeals in San Antonio, incumbent Justice Jason Pulliam (R) is being challenged by former Bexar County Court at Law Judge Irene Rios. Justice Pulliam was appointed to the Court of Appeals last year by Governor Rick Perry.
- Two seats on the 5th Court of Appeals [Dallas] are contested. Incumbent Justice Lana Myers (R) faces Dallas District Judge Gena Slaughter, while Justice David Schenk (R) squares off against District Judge Dennise Garcia. Like Justice Pulliam, Justice Schenk was appointed to the court by Governor Perry in 2015 and is seeking a full term. Justice Myers is seeking a second term on the court.
- A key race is taking place in the 13th Court of Appeals in Corpus Christi between incumbent Justice Greg Perkes (R) and attorney Leticia Hinojosa (D). The only Republican on the 13th Court, Perkes is seeking a second term.
- Returning to Houston, two seats are up for grabs on the 14th Court of Appeals. Republican Kevin Jewell and Democrat Candance White are vying for an open seat created by the retirement of Justice Sharon McCally. Both Jewell and White defeated primary challengers to earn their places on the November ballot. Incumbent Justice Tracy Christopher (R) is seeking a second term on the bench. Her challenger is Houston attorney Peter Kelly.

We urge you to take a moment to look at the candidates and their qualifications on TexasJudges.org, a website operated by TCJL which compiles impartial, nonpartisan information about judicial candidates. These races are critically important. Judges make decisions every day that affect the rights, remedies, and liabilities of individuals and businesses. Don't get caught flat-footed at the ballot box. Cast an informed vote for your own benefit and the benefit of all Texans. ■

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former Chief Justice, Texas Supreme Court**

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Judges are important.

*They have a direct
impact on citizens,
perhaps more than
any other elected
official, because they
make decisions that
can affect your job,
your home, your children,
your business and
your personal freedoms.*

TCJL Amicus Report



Over the past several years, TCJL has witnessed a rapid increase in the number of appellate decisions from courts across the state that have significant potential impacts on our members. TCJL's amicus curiae program offers our members the opportunity to participate in appellate litigation before the Texas Supreme Court, the 14 district courts of appeals, and even the federal courts. TCJL accepts *amicus* requests from members in good standing and evaluates them based on the larger implications of the issue or issues presented in the litigation for Texas businesses as a whole. In our briefs, we hope to bring a unique perspective to the court rather than simply repeat the arguments of other parties. The following is a list of selected amicus briefs we have filed in the past two years.

1. *TIC Energy and Chemical, Inc. v. Kevin Bradford Martin* (15-0143)

This case involved a potentially serious misreading of two sections of the Labor Code giving general contractors the ability to become the “statutory employer” of a subcontractor and the subcontractor’s employees for purposes of workers’ compensation insurance coverage. The 13th Court of Appeals (Corpus Christi) reversed a trial court’s grant of summary judgment to TIC on the basis that the statutory provision defining an “independent contractor” and that allowing contractor controlled insurance programs cannot be reconciled. This ruling contradicted numerous holdings from other Courts of Appeals and the Texas Supreme Court. TCJL’s brief outlined the legislative history of these provisions to show not only that the statutes operate in harmony, but the public policy rationale of the Legislature to encourage general contractors to provide workers’ compensation coverage for everyone on a jobsite. The Supreme Court granted review and reversed the Corpus Christi decision, holding that the statutes do not conflict.

2. *UDR Texas Properties, L.P. D/B/A The Gallery Apartments, United Dominion Realty Trust, Inc., ASR of Delaware, L.L.C., and UDR Western Residential, Inc. v. Alan Petrie* (15-0197)

In this important premises liability case, the

Fourteenth Court of Appeals (Houston) held that the owner of an apartment complex could be held liable for criminal conduct on the premises on a finding that a crime in the area was merely “foreseeable,” rather than a finding that the risk of criminal conduct on the premises was so great as to impose on the owner a duty to prevent criminal conduct. TCJL argues that the Court of Appeals’ ruling violates the SCOT’s decision in *Timberwalk Apartments, Partners, Inc. v. Cain*, 972 S.W.2d 749, 756 (Tex. 1998) and creates substantial uncertainty in Texas premises liability law that could have far-reaching effects on the economic viability of businesses, especially those located in communities with higher crime rates. These communities are precisely the ones that need redevelopment to attract housing, businesses, and schools in order to reduce crime and make them attractive and safe for people to live and work. The Court granted review in this case and scheduled oral arguments for September 15, 2016.

3. *Texas Department of Insurance, Division of Workers’ Compensation v. Bonnie Jones and American Home Assurance Company* (15-0025)

TCJL’s brief argued that the 5th Court of Appeals (Dallas) erred in affirming a trial court judgment that disregarded explicit provisions of the Texas Workers’ Compensation Act applying to a claim for supplemental income benefits. In doing so, the Court infringed on the Legislature’s prerogative to establish the specific conditions that determine eligibility for benefits and the public policy objectives that a claimant to make a serious effort to return to employment as soon as possible after a workplace injury. The Court’s decision also threatened to reopen the system to a new stream of litigation that will raise the cost of workers’ compensation insurance and make it more difficult for employers to provide workers’ compensation coverage for their employees. The Court granted review in the case and reversed the Dallas Court of Appeals, upholding the statutory workers’ compensation benefit system.

See **TCJL Amicus Report**, page 9

TCJL Speaks Out Against Discovery Abuses in Hailstorm Litigation

The frequency of hailstorm and weather-related claims litigation in Texas has skyrocketed since 2011. According to the statistics gathered by the Texas Department of Insurance and the *Insurance Journal*, commencing with the second quarter of 2011 the state has experienced six quarters in which insured losses exceeded \$1.1 billion, three of which have losses approaching \$1.3 billion. In the first six months of 2015 alone, Texans suffered an estimated \$2 billion in insured losses from hail, tornadoes, high winds, and flooding, about a quarter of the national total. Thanks to a series of devastating hailstorms and flood events, the trend has continued into 2016 as well. About \$8.8 billion in insured losses occurred in the first half of this year in Texas and neighboring states, promising one of the worst years for catastrophic losses on record.

Given the enormous scope of losses and sheer number of claims arising from severe weather events, one might expect an increasing level of discontent with insurers. This has not been the case. In 2014, for example, fewer than one-tenth of one percent of claims produced justified complaints to the Texas Department of Insurance, and prior years show similarly low complaint ratios. Yet at the same time, claims litigation against insurers has reached record high levels. Litigation rates for storm damage have risen from an average of 1-2% to 30% in counties from Dallas and Tarrant to Potter and Hidalgo. A significant number of these lawsuits have been filed after the claims had been promptly and amicably settled. Insurers further report substantial rises in the historic rate of litigation of roof damage claims in counties hardest hit by hailstorms and in the numbers of disputed claims in the appraisal process. Even by Texas standards, litigation activity seems far out of proportion to actual insurer practices or market conditions.

This case represents a microcosm of the larger phenomenon. It represents some of the astonishing 13,000 lawsuits arising from two 2012 hailstorms in Hidalgo County. These cases follow a repetitive pattern, alleging bad faith on the part of the insurer and seeking statutory penalties and mandatory attorney's fees for the plaintiff and plaintiff's attorneys. In one case that went to verdict, for example, a jury rejected the plaintiff's claim for \$14,000 in actual damages (only \$900 to the roof) and *up to \$200,000* in attorney's fees.

The current crisis bears an uncanny resemblance to the spectacular abuses in the mass litigation of asbestos and silica-related claims in the late 1980s and 1990s. These abuses, as we all recall, led to subsequent legislative intervention necessary to rebalance the system. Making matters worse is a pretrial multidistrict litigation court's protocol for discovery of electronically stored data that gives the plaintiff *carte blanche* to demand discovery in an inefficient, unnecessary, and burdensome form. By any standard, the prospect of paying up to \$200,000 in each of thousands of lawsuits is terrifying enough to a responsible corporate defendant without also being dragged through the extraordinary amount of time and expense of unnecessary litigation over essentially equivalent forms of producing ESI. The protocol has the further effect of denying a defendant's objections to any form of production not imposed by the plaintiff. The only conceivable rationale for such an order is to run up the costs of discovery to such an extent that settling the lawsuit would be cheaper than litigating it to a successful conclusion. (Insurers are currently challenging the pretrial court's order in the Texas Supreme Court, a case in which TCJL is participating as *amicus curiae*.)

There is nothing inherently wrong with parties to a lawsuit jockeying with one another for an advantage. This strategy is

part and parcel of the judicial process, our primary mechanism for defusing social and economic conflicts in an orderly, efficient, and equitable way. But the issue in this case goes far beyond ordinary litigation maneuvering. It goes to the use—or abuse—of the multidistrict litigation process to *prevent* an orderly, efficient, and equitable resolution of this litigation.

TCJL is arguing before the Texas Supreme Court that courts must “apply sound judicial management methods early, continuously, and actively . . . in order to set fair and firm time limits tailored to ensure the expeditious resolution of each case and the just and efficient conduct of the litigation as a whole.” TEX. R. JUD. ADMIN. 13.6(c). An integral part of “sound judicial management methods” includes “setting appropriate limitations on discovery, including the establishment and timing of discovery procedures.” TEX. R. JUD. ADMIN. 13.6(c)(4). The court's order with respect to electronically stored information (ESI) meets none of these standards.

First, the court's requirement that the Relator produce unstructured ESI in “native format,” while ignoring the uncontroverted fact that Relator can produce the information in a “reasonably usable” form that fully meets the plaintiff's requests, is hardly “sound judicial management.” Indeed, the court's decision appears to be based in part on the assumption that a big corporate defendant has unlimited resources and capability to provide information in whatever form the plaintiff's request, regardless of the cost or burden involved in reprogramming a defendant's system (such as Relator's), which may well be already designed to comply with ESI discovery requests in state and federal courts across the country. The concept of a “Texas-only” ESI discovery rule makes no sense in this context and

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TCJL Speaks Out Against Discovery Abuses in Hailstorm Litigation

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impedes the “just and efficient conduct of the litigation as a whole.”

Second, the pretrial court’s effective elimination of the Relator’s right to object to the plaintiff’s discovery requests egregiously violates the “just and efficient” standard of Rule 13. The only basis that we can see for such an order is to run up the Relator’s discovery costs in an effort to raise the settlement value of individual claims, with the knock-on effect of increasing recoverable attorney’s fees and other transaction costs in the litigation “as a whole.” The public policy rationale for the multidistrict litigation process in the first place is to streamline and standardize discovery in just this type of litigation. The court’s protocol for ESI makes a mockery of this policy and turns the MDL process into a hammer for battering the Relator into submission.

The implications of this case extend well beyond their effect on the Relator

alone. TCJL’s members universally use electronic data storage technologies as part of their ordinary business operations to manage the enormous amount of data required to manage their vast economic activities. Creating, maintaining, and updating these systems require huge financial resources and personnel. When they are sued, TCJL members, like the Relator in this case, wish to respond appropriately and conscientiously to discovery requests in federal and state litigation that comply fully with the applicable rules of court. We are concerned that the pretrial court’s order in this case appears to insinuate that the Relator—and by implication any large corporate defendant—necessarily has “something to hide” and that forcing the defendant to produce information in specific formats for which the defendant’s ESI system is not designed will somehow

reveal a “smoking gun.” This supposition is both absurd on its face and insulting to Texas businesses whose employees live and work in this state and who desire nothing more than to do business honestly in the communities they serve. In this respect, an abuse of one defendant is an abuse of all defendants.

It is time to end these kinds of tactics once and for all. They give Texas courts a black eye and frustrate the tireless efforts of the Legislature and of this Court over the past quarter century to improve the judicial system from top to bottom and to restore public confidence in fairness and impartiality of the process. In addition to granting mandamus in this case, we urge the Court to consider whether amendments to TCRP 196.4 and 192.4 and to Rules of Judicial Administration Rule 13 may be necessary to preempt similar abuses in the future. ■

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TCJL Amicus Report

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4. *Occidental Chemical Corporation v. Jason Jenkins* (13-0961)

This important case involved, among other issues, the interpretation of the 10-year statute of repose for claims against persons who construct or repair real property. The First Court of Appeals (Houston) ruled that the statute of repose does not apply to a premises owner that performs construction work directly and through third party contractors. The decision thus nullifies the statute if a third party hired by the owner performs any part of the construction or repair. TCJL argued that the Court of Appeals' interpretation of the statute would radically and adversely alter ordinary industry practices in Texas and potentially threaten the viability of major construction projects in the state. The Texas Supreme Court granted review in this case, reversed, and rendered in favor of Occidental.

5. *In Re State Farm Lloyds* (15-0903)

This mandamus action arises from the multi-billion hailstorm litigation crisis currently

gripping the state. A multi-district litigation judge appointed to hear thousands of hailstorm claims issued a pretrial discovery order mandating that insurer State Farm produce certain electronic data in a format different than the one the insurer customarily uses to store the data. Compliance with this order will be costly and burdensome to the insurer with no corresponding benefit to the production of discoverable information. TCJL's two briefs in this case argue that the trial court's order violates the "just and efficient standard" of Rule 13, Rules of Judicial Administration and perpetrates an abuse of the discovery process. The parties are currently in the process of full briefing before the Court.

6. *ExxonMobil Pipeline Company, Robert W. Caudle, and Ricky Stowe v. Travis G. Coleman* (15-0407)

This case involves the construction of Chapter 27, CPRC, the "Texas Citizens Participation Act." The 5th Court of Appeals (Dallas) inter-

preted the statute to exclude its application to an employer's communications on a matter of public concern involving an employee. TCJL's brief, filed in support of the employer's petition for review, argues that the Court of Appeals misapplied the title and purpose of the TCPA as a justification for judicially amending the unambiguous statutory definition of "exercise of right of association." In this way, the Court of Appeals sought to "fill in" something that it believed the Legislature left out: a "public" or "citizen's" participation requirement. Given the Legislature's track record in the last two decades of enacting statutes protecting civil defendants from meritless litigation of various types, it clearly intended to extend that protection to speech-chilling lawsuits targeting communications between employees involving potentially serious environmental and economic concerns in defense of a shared interest. It thus cannot be suggested that the Legislature's decision was in any way "absurd." The Court has requested full briefing. ■

SCOTX Rules that Chapter 95 Not Applicable to Property Owner's Employees

In an important case involving Chapter 95, TCPRC, the Texas Supreme Court has ruled that while Chapter 95 precludes negligence lawsuits brought by independent contractors against a property owner arising from a condition or use of an improvement to real property, it does not block such suits against the property owner's employee.

The case, *Ineos USA, LLC., Ineos Polymers, Inc., Ineos Olefins & Polymers USA, LLC., and Pavlovsky v. Elmgren* (No. 14-0507), involves an explosion at an Ineos petrochemical plant in which an employee of Ineos' contractor, Zachry Industrial, was seriously injured. The employee, Elmgren, sued Ineos, the owner of the plant, and Pavlovsky, an employee of Ineos, alleging negligence. Both Ineos and Pavlovsky sought summary judgment on the

ground that Chapter 95 protects them from liability since they had no actual knowledge of the danger or condition resulting in the injury. The trial court granted summary judgment. On appeal, the 14th Court of Appeals (Houston) affirmed in part and reversed in part, including the trial court's summary judgment in favor of Pavlovsky. Ineos and Pavlovsky sought review, and the Texas Supreme Court granted it.

In a unanimous opinion by Justice Boyd, Texas Supreme Court ruled that:

1. Chapter 95 applies both to premises liability claims and to non-premises negligence claims, such as negligent activity, negligent undertaking, or vicarious liability based on respondeat superior;
2. Chapter 95 applies only to claims against the property owner, not the employees of

the property owner, because the definition of property owner in §95.001(3) does not include the owner's employees; and

3. Chapter 95 does not extend liability protection to a property owner's agent.

The Court further rejected Elmgren's argument that the particular piece of equipment he had been working on at the time of the explosion was a different "improvement" than the pipe valve leak that actually caused the accident, and, consequently, that Chapter 95 did not apply. The Court read the definition of "improvement" broadly to apply to the entire system of which the equipment was a part. The Court sent the case back to the trial court for further proceedings on Elmgren's claim against *Pavlovsky*. ■

Another Legislative Look at Paid or Incurred?

As part of the 2003 civil justice reforms, the Legislature enacted §41.0105, CPRC, the so-called “paid or incurred” rule. The statute provides that a claimant may only recover medical or health care expenses “limited to the amount actually paid or incurred on behalf of the claimant.” Following several years of litigation over the scope and effect of the rule, the Texas Supreme Court in *Haywood v. Escobedo* held that §41.0105 only those expenses that a health care provider has a legal right to be paid are “actually incurred.” Moreover, the rule means that only evidence of recoverable expenses are admissible at trial. The court decided the case in the context of billed medical expenses reduced by a Medicare discount, not specifically in a situation in which a provider’s billed charges are reduced under an agreement between the provider and an insurer. The Legislature followed the 2011 SCOTX decision with a bill clarifying that the medical expense affidavit authorized under §18.001, CPRC, may indicate the amount the provider has the legal right to be paid after discounts or other offsets.

There are several problems with the way the “paid or incurred” rule interacts with the medical expense affidavit requirement of §18.001:

- Perhaps most problematically, some claimants (or their attorneys) are using so-called “factoring” agreements in an effort to evade the paid or incurred rule. Here’s how factoring works. First, the claimant enters into an agreement with the health care provider to provide services for a specific amount. Then the provider signs an agreement with the factor to assign the provider’s right to payment to the factor at a discounted rate. The factor then executes a medical expense affidavit (since it is now custodian of the billing records) for the full amount of the charges. In fact, last year the 14th Court of Appeals in Houston ruled that such a factoring agreement was valid. See *Katy Springs & Manufacturing, Inc. v.*

Favalora, No. 14-14-00172CV, August 27, 2015. Although the factoring company (MedStar) had no connection with the health care provider other than the assignment of a right to payment or particular expertise in determining reasonable and necessary medical expenses for an injury of the type incurred by the plaintiff, and despite the fact that the claimant in the

- Under current law, there is no requirement that the billing clerk or record custodian have any knowledge of whether the billed expenses are reasonable and necessary to treat the injury. Even unqualified or incompetent custodians can swear to the reasonableness and necessity of medical expenses. See *Castillo v. American Garment Finishers*

“ There are several problems
with the way the
“paid or incurred” rule
interacts with the medical expense
affidavit requirement of §18.001... ”

case received medical treatment at no charge from a public hospital, the court nevertheless allowed it to assert a right to recover the full amount of the charges.

- A second problem occurs when the claimant (again, or the claimant’s attorney) and the provider agree not to seek reimbursement from an insurer, Medicare, workers’ compensation, or other third party payment for medical services so that the medical expense affidavit can claim that the original charges have not been reduced and are thus “actually incurred.” One effect of this situation is to increase the amount of “actual damages” sought to be recovered, which likewise increases both the plaintiff’s attorney’s contingency fee and the multiplier for purposes of determining exemplary damages under the cap. It was this very situation that the “paid or incurred” rule was designed to address.

Corp., 965 S.W.2d 646 (Tex. App. — El Paso, 1998, no pet.); *Wald-Tinkle Packaging & Distr., Inc. v. Pinok*, 2004 WL 2966293 (Tex. App. — Houston [1st Dist.] 2004, no pet.) (memo. opin.).

- In addition to the incompetency issue and as we see in the *Katy Springs* case, §18.001 does not require the affiant to have any connection with the health care provider who actually provided the billed services. The best the defendant can do when faced with an incompetent or ignorant record custodian is to hire an expert to contest the affidavit. But the statutory deadlines for filing a counter-affidavit are so tight that a defendant would have to file the expert affidavit *before* the defendant could get discovery of the nature and extent of the injury, what treatments are reasonable and necessary, what the customary charges in the area actually are, etc. ■



Dawn Buckingham

Dawn Buckingham (R-Lakeway) for Texas Senate District 24

Following the last legislative session, veteran Senator Troy Fraser (R-Horseshoe Bay) announced his retirement from the Senate. His final term expires at the end of this year. Austin physician Dawn Buckingham won the SD 24 Republican nomination in the March primary and runoff against five other candidates. She will face Virginia Leeder (D-Llano) in the November General Election. TCJL PAC has endorsed Dr. Buckingham's campaign for the Texas Senate.



Scott Norman, Ned Muñoz, Dawn Buckingham



Robert Floyd, Former Senator Buster Brown



Dawn Buckingham, Eric Sandberg



**Kent Hance
Dawn Buckingham**



Former Senator Buster Brown



**Senator Don Huffines
Dawn Buckingham**



Dawn Buckingham

Judicial Elections – Texas Appellate Courts

Texas appellate judicial races on the ballot include 3 seats each on the Texas Supreme Court and Court of Criminal Appeals, and 20 seats on the Courts of Appeals from around the state.

Office	Democrat	Republican	Other
Justice, SC, Plc 3	Mike Westergren (D)	Debra Lehrmann * (R)	Kathie Glass (L) Rodolfo Rivera Munoz (G)
Justice, SC, Plc 5	Dori Contreras Garza (D)	Paul Green * (R)	Tom Oxford (L) Charles E. Waterbury (G)
Justice, SC, Plc 9	Savannah Robinson (D)	Eva Guzman * (R)	Don Fulton (L) Jim Chisholm (G)
Judge, CCA Plc 2	Lawrence "Larry" Meyers * (D)	Mary Lou Keel (R)	Mark Ash (L) Adam King Blackwell Reposa (G)
Judge, CCA Plc 5	Betsy Johnson (D)	Scott Walker (R)	William Bryan Strange, III (L) Judith Sanders-Castro (G)
Judge, CCA Plc 6	Robert Burns (D)	Michael E. Keasler * (R)	Mark W. Bennett (L)
Chief Justice, 1st COA	Jim Peacock (D)	Sherry Radack * (R)	
Justice, 1st COA, Plc 4	Barbara Gardner (D)	Evelyn Keyes * (R)	
Justice, 2nd COA, Plc 3		Elizabeth Kerr (R)	
Justice, 2nd COA, Plc 4		Bonnie Sudderth * (R)	
Justice, 3rd COA, Plc 2		Cindy Olson Bourland * (R)	
Justice, 3rd COA, Plc 4		Melissa Goodwin * (R)	
Justice, 4th COA, Plc 6	Irene Rios (D)	Jason Pulliam * (R)	
Justice, 5th COA, Plc 4	Gena Slaughter (D)	Lana Myers * (R)	
Justice, 5th COA, Plc 7	Dennise Garcia (D)	David John Schenck * (R)	
Chief Justice, 6th COA		Josh Morriss * (R)	
Justice, 7th COA, Plc 4		Jim Campbell * (R)	
Justice, 8th COA, Plc 3	Gina M. Palafox (D)		
Justice, 9th COA, Plc 2		Charles A. Kreger * (R)	
Justice, 10th COA, Plc 3		Al Scoggins * (R)	
Justice, 11th COA, Plc 3		John Bailey * (R)	
Justice, 12th COA, Plc 2		Brian Hoyle * (R)	
Justice, 12th COA, Plc 3		Greg Neeley * (R)	
Justice, 13th COA, Plc 3	Leticia Hinojosa (D)	Greg Perkes * (R)	
Justice, 14th COA, Plc 2	Candance White (D)	Kevin Jewell (R)	
Justice, 14th COA, Plc 9	Peter M. Kelly (D)	Tracy Elizabeth Christopher * (R)	

* Incumbent (D) Democrat (R) Republican (I) Independent (L) Libertarian (G) Green Party (WI) Write In

October 24 – First Day of Early Voting

November 4 – Last Day of Early Voting

November 8 – Texas General Election

January 10 – First Day of 85th Legislative Session

May 29 – Last Day of 85th Legislative Session

Texas Senate 2016 General Election Ballot

The 2016 General Election will be held on Tuesday, November 8, 2016. Early voting begins October 24. All 150 seats in the Texas House of Representatives appear on the ballot, as well as 16 seats in the Texas Senate and 36 congressional seats.

Office	Democrat	Republican	Other
SD 1		Bryan Hughes (R)	
SD 4		Brandon Creighton * (R)	Jenn West (L)
SD 6	Sylvia R. Garcia * (D)		
SD 11		Larry Taylor * (R)	
SD 12		Jane Nelson * (R)	Rod Wingo (L)
SD 13	Borris L. Miles (D)		Joshua Rohn (L)
SD 18		Lois W. Kolkhorst * (R)	Kathie L. Stone (L)
SD 19	Carlos I. Uresti * (D)	Peter P. Flores (R)	Maximilian Martin (L)
SD 20	Juan "Chuy" Hinojosa * (D)	Velma A. Arellano (R)	
SD 21	Judith Zaffirini * (D)		
SD 22	Michael Collins (D)	Brian Birdwell * (R)	
SD 24	Virginia "Jennie Lou" Leeder (D)	Dawn Buckingham (R)	
SD 26	Jose Menendez * (D)		Fidel "TwoBears" Castillo (L) Scott Pusich (G)
SD 27	Eddie Lucio Jr. * (D)		
SD 28		Charles Perry * (R)	
SD 29	José Rodriguez * (D)		

Texas House of Representatives 2016 General Election Ballot

Office	Democrat	Republican	Other
HD 1		Gary VanDeaver * (R)	
HD 2		Dan Flynn * (R)	
HD 3		Cecil Bell * (R)	
HD 4		Lance Gooden (R)	
HD 5		Cole Hefner (R)	
HD 6		Matt Schaefer * (R)	
HD 7		Jay Dean (R)	
HD 8		Byron Cook * (R)	
HD 9		Chris Paddie * (R)	
HD 10		John Wray * (R)	Chuck Richter (L)
HD 11	Stephen J. Wright (D)	Travis Clardy * (R)	
HD 12		Kyle Kacal * (R)	
HD 13	Cecil R. Webster (D)	Leighton Schubert * (R)	
HD 14		John Raney * (R)	
HD 15		Mark Keough * (R)	
HD 16		Will Metcalf * (R)	
HD 17		John Cyrier * (R)	
HD 18		Ernest Bailes (R)	Evan Nagel (L)
HD 19		James White * (R)	
HD 20		Terry Wilson (R)	
HD 21		Dade Phelan * (R)	
HD 22	Joe Deshotel * (D)		
HD 23	Lloyd Criss (D)	Wayne Faircloth * (R)	

* Incumbent (D) Democrat (R) Republican (I) Independent (L) Libertarian (G) Green Party (WI) Write In

Texas House of Representatives 2016 General Election Ballot

Office	Democrat	Republican	Other
HD 24		Greg Bonnen * (R)	
HD 25		Dennis Bonnen * (R)	
HD 26	L. "Sarah" DeMerchant (D)	D.F. "Rick" Miller * (R)	
HD 27	Ron Reynolds * (D)	Ken Bryant (R)	
HD 28		John Zerwas * (R)	
HD 29	John T Floyd (D)	Ed Thompson * (R)	
HD 30		Geanie W. Morrison * (R)	
HD 31	Ryan Guillen * (D)		
HD 32		Todd Hunter * (R)	
HD 33	Karen Jacobs (D)	Justin Holland (R)	Rick Donaldson (L)
HD 34	Abel Herrero * (D)		
HD 35	Oscar Longoria * (D)		
HD 36	Sergio Munoz, Jr. * (D)		
HD 37	Rene O. Oliveira * (D)		
HD 38	Eddie Lucio III * (D)		
HD 39	Armando "Mando" Martinez * (D)		
HD 40	Terry Canales * (D)	Maricela "Mari" De Leon (R)	
HD 41	Bobby Guerra * (D)	Hilda Garza De Shazo (R)	
HD 42	Richard Pena Raymond * (D)		
HD 43	Marisa Yvette Garcia-Utley (D)	J.M. Lozano * (R)	
HD 44	Robert M. Bohmfalk (D)	John Kuempel * (R)	
HD 45		Jason A. Isaac * (R)	
HD 46	Dawnna Dukes * (D)	Gabriel Nila (R)	Kevin Ludlow (L) Adam Michael Greeley (G)
HD 47	Ana Jordan (D)	Paul Workman * (R)	Scott G. McKinlay (L)
HD 48	Donna Howard * (D)		Ben Easton (L)
HD 49	Gina Hinojosa (D)		Rick Perkins (L)
HD 50	Celia Israel * (D)	Ceasar Ruiz (R)	
HD 51	Eddie Rodriguez * (D)		Katija "Kat" Gruene (G)
HD 52		Larry Gonzales * (R)	Henry Knetsar (L)
HD 53	Stephanie Lochte Ertel (D)	Andrew S. Murr * (R)	Brian Holk (L)
HD 54	Sandra Blankenship (D)	Scott Cospier (R)	
HD 55		Hugh D. Shine (R)	
HD 56		Charles "Doc" Anderson * (R)	Clif Deuvall (L)
HD 57		Trent Ashby * (R)	
HD 58		DeWayne Burns * (R)	
HD 59		J.D. Sheffield * (R)	
HD 60		Mike Lang (R)	
HD 61		Phil King * (R)	
HD 62		Larry Phillips * (R)	
HD 63		Tan Parker * (R)	
HD 64	Connor Flanagan (D)	Lynn Stucky (R)	
HD 65	Alex Mendoza (D)	Ron Simmons * (R)	
HD 66	Gnanse Nelson (D)	Matt Shaheen * (R)	Shawn W. Jones (L)

* Incumbent (D) Democrat (R) Republican (I) Independent (L) Libertarian (G) Green Party (WI) Write In

Texas House of Representatives 2016 General Election Ballot

Office	Democrat	Republican	Other
HD 67	Scott Coleman (D)	Jeff Leach * (R)	Ray Brewer (L)
HD 68		Drew Springer * (R)	
HD 69		James B. Frank * (R)	
HD 70	John Bryant (D)	Scott Sanford * (R)	Rachel Wester (L) Emmett Merwin (G)
HD 71	Pierce LoPachin (D)	Stan Lambert (R)	
HD 72		Drew Darby * (R)	
HD 73		Kyle Biedermann (R)	
HD 74	Poncho Nevárez * (D)		
HD 75	Mary E. González * (D)		
HD 76	César J. Blanco * (D)		
HD 77	Evelina "Lina" Ortega (D)		
HD 78	Joe Moody * (D)	Jeffrey Lane (R)	
HD 79	Joseph C. Pickett * (D)		
HD 80	Tracy O. King * (D)		
HD 81		Brooks Landgraf * (R)	
HD 82		Tom Craddick * (R)	
HD 83		Dustin Burrows * (R)	
HD 84		John Frullo * (R)	
HD 85	John Davis (D)	Phil Stephenson * (R)	
HD 86		John Smithee * (R)	
HD 87		Four Price * (R)	
HD 88		Ken King * (R)	
HD 89	Denise Hamilton (D)	Jodie Laubenberg * (R)	Bob Worthington (L)
HD 90	Ramon Romero Jr. * (D)		
HD 91		Stephanie Klick * (R)	
HD 92	Kim K. Leach (D)	Jonathan Stickland * (R)	Leah Sees (L) Travis Christal (G)
HD 93	Nancy Bean (D)	Matt Krause * (R)	
HD 94		Tony Tinderholt * (R)	Jessica Pallett (L)
HD 95	Nicole Collier * (D)	Albert G. McDaniel (R)	
HD 96	Sandra D. Lee (D)	Bill Zedler * (R)	
HD 97	Elizabeth Tarrant (D)	Craig Goldman * (R)	Patrick Wentworth (L)
HD 98	Maricela Sanchez Chibli (D)	Giovanni Capriglione * (R)	
HD 99		Charlie Geren * (R)	Dan Hawkins (L)
HD 100	Eric Johnson * (D)		Heather Marcus (L)
HD 101	Chris Turner * (D)	Carlos "Charlie" Garza (R)	
HD 102	Laura Irvin (D)	Linda Koop * (R)	
HD 103	Rafael M. Anchia * (D)		
HD 104	Roberto R. Alonzo * (D)		
HD 105	Terry Meza (D)	Rodney Anderson * (R)	
HD 106		Pat Fallon * (R)	Rodney Caston (L)
HD 107	Victoria Neave (D)	Kenneth Sheets * (R)	
HD 108		Morgan Meyer * (R)	Scott Smith (L)
HD 109	Helen Giddings * (D)	A. Denise Russell (R)	

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Texas House of Representatives 2016 General Election Ballot

Office	Democrat	Republican	Other
HD 110	Toni Rose * (D)		
HD 111	Yvonne Davis * (D)	Chad O. Jackson (R)	
HD 112	Jack Blackshear (D)	Angie Chen Button * (R)	
HD 113	Rhetta Andrews Bowers (D)	Cindy Burkett * (R)	
HD 114	Jim Burke (D)	Jason Villalba * (R)	Anthony Holan (L)
HD 115	Dorotha M. Ocker (D)	Matt Rinaldi * (R)	
HD 116	Diana Arévalo (D)		
HD 117	Philip Cortez (D)	Rick Galindo * (R)	Carlos Antonio Raymond (WI)
HD 118	Tomas Uresti (D)	John Lujan * (R)	
HD 119	Roland Gutierrez * (D)		
HD 120	Barbara Gervin-Hawkins (D)		Laura Thompson (I)
HD 121		Joe Straus * (R)	
HD 122		Lyle Larson * (R)	
HD 123	Diego Bernal * (D)		
HD 124	Ina Minjarez * (D)		
HD 125	Justin Rodriguez * (D)		
HD 126	Joy Dawson-Thomas (D)	Kevin Roberts (R)	Eric B. Moquin (L)
HD 127		Dan Huberty * (R)	Scott Ford (L) Joseph McElligott (G)
HD 128		Briscoe Cain (R)	Ken Lowder (L)
HD 129		Dennis Paul * (R)	
HD 130		Tom Oliverson (R)	
HD 131	Alma A. Allen * (D)		
HD 132		Mike Schofield * (R)	Phil Kurtz (L)
HD 133		Jim Murphy * (R)	
HD 134	Ben Rose (D)	Sarah Davis * (R)	Gilberto "Gil" Velasquez Jr. (L)
HD 135	Jesse A. Ybanez (D)	Gary Elkins * (R)	
HD 136	Paul R. Gordon (D)	Tony Dale * (R)	
HD 137	Gene Wu * (D)	Kendall L. Baker (R)	Dan Biggs (L)
HD 138		Dwayne Bohac * (R)	
HD 139	Jarvis D. Johnson * (D)		
HD 140	Armando Lucio Walle * (D)		
HD 141	Senfronia Thompson * (D)		
HD 142	Harold V. Dutton, Jr. * (D)		
HD 143	Ana Hernandez * (D)		
HD 144	Mary Ann Perez (D)	Gilbert Pena * (R)	
HD 145	Carol Alvarado * (D)		Roy Owens (WI)
HD 146	Shawn Thierry (D)		
HD 147	Garnet F. Coleman * (D)	Matt Murphy (R)	Brian M. Harrison (G)
HD 148	Jessica Cristina Farrar * (D)		
HD 149	Hubert Vo * (D)	Bryan Chu (R)	
HD 150	Michael Shawn Kelly (D)	Valoree Swanson (R)	

* Incumbent (D) Democrat (R) Republican (I) Independent (L) Libertarian (G) Green Party (WI) Write In

Congressional Districts 2016 General Election Ballot

Office	Democrat	Republican	Other
CD 1	Shirley J. McKellar (D)	Louie Gohmert * (R)	Phil Gray (L) Renee Culler (WI)
CD 2	Pat Bryan (D)	Ted Poe * (R)	James B. Veasaw (L) Joshua Darr (G)
CD 3	Adam P. Bell (D)	Sam Johnson * (R)	Scott Jameson (L) Paul Blair (G)
CD 4		John Ratcliffe * (R)	Cody Wommack (L)
CD 5		Jeb Hensarling * (R)	Ken Ashby (L)
CD 6	Ruby Faye Woolridge (D)	Joe Barton * (R)	Darrel Smith Jr. (G)
CD 7	James Cargas (D)	John Culberson * (R)	
CD 8		Kevin Brady * (R)	
CD 9	Al Green * (D)	Jeff Martin (R)	
CD 10	Tawana W. Cadien (D)	Michael T. McCaul * (R)	Bill Kelsey (L)
CD 11		Mike Conaway * (R)	Nicholas Landholt (L)
CD 12	Bill Bradshaw (D)	Kay Granger * (R)	Ed Colliver (L)
CD 13		Mac Thornberry * (R)	Calvin DeWeese (L) H.F. "Rusty" Tomlinson (G)
CD 14	Michael Cole (D)	Randy Weber * (R)	
CD 15	Vicente Gonzalez (D)	Tim Westley (R)	Ross Lynn Leone (L) Vanessa S. Tijerina (G)
CD 16	Beto O'Rourke * (D)		Jaime O. Perez (L) Mary L. Gourdoux (G)
CD 17	William Matta (D)	Bill Flores * (R)	Clark Patterson (L)
CD 18	Sheila Jackson Lee * (D)	Lori Bartley (R)	Thomas Kleven (G)
CD 19		Jodey Arrington (R)	Troy Bonar (L) Mark Lawson (G)
CD 20	Joaquin Castro * (D)		Jeffrey C. Blunt (L) Paul Pipkin (G)
CD 21	Tom Wakely (D)	Lamar Smith * (R)	Mark Loewe (L) Antonio "Tony" Diaz (G)
CD 22	Mark Gibson (D)	Pete Olson * (R)	
CD 23	Pete P. Gallego (D)	Will Hurd * (R)	Ruben S. Corvalan (L)
CD 24	Jan McDowell (D)	Kenny E. Marchant * (R)	Mike Kolls (L) Kevin McCormick (G)
CD 25	Kathi Thomas (D)	Roger Williams * (R)	Loren Marc Schneiderman (L)
CD 26	Eric Mauck (D)	Michael C. Burgess * (R)	Mark Boler (L)
CD 27	Raul (Roy) Barrera (D)	Blake Farenthold * (R)	
CD 28	Henry Cuellar * (D)	Zeffen Hardin (R)	Michael D. Cary (G)
CD 29	Gene Green * (D)	Julio Garza (R)	N. Ruben Perez (L) James Partsch-Galvan (G)
CD 30	Eddie Bernice Johnson * (D)	Charles Lingerfelt (R)	Jarrett R. Woods (L) Thom Prentice (G)
CD 31	Mike Clark (D)	John Carter * (R)	Scott Ballard (L)
CD 32		Pete Sessions * (R)	Ed Rankin (L) Gary Stuard (G)
CD 33	Marc Veasey * (D)	M. Mark Mitchell (R)	
CD 34	Filemon B. Vela * (D)	Rey Gonzalez, Jr. (R)	
CD 35	Lloyd Doggett * (D)	Susan Narvaiz (R)	Rhett Rosenquest Smith (L) Scott Trimble (G)
CD 36		Brian Babin * (R)	Hal J. Ridley Jr. (G)

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TEXAS CIVIL JUSTICE LEAGUE PAC

2016 JUDICIAL ENDORSEMENTS

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Election Day
Oct. 8, 2016



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Texas Supreme Court, Place 3

Judge Debra Lehrmann for Supreme Court
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Justice Paul Green* (R)
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Sherry Radack Campaign
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Houston, Texas 77255



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JusticeEvelynKeyes.com



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4th Court of Appeals, Place 6 (San Antonio)

Justice Jason Pulliam for Justice
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JasonforJudge.com



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5th Court of Appeals, Place 4 (Dallas)

Justice Lana Myers Campaign
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Kevin Jewell (R)
14th Court of Appeals, Place 2 (Houston)

Kevin Jewell Campaign
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Justice Tracy Christopher* (R)
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